

NUMBER 42

FOR GOVERNOR,
S. B. BUCKNER,
of Hart County.

FOR LIEUTENANT GOVERNOR,
J. W. BRYAN,
of Kenton County.

FOR ATTORNEY GENERAL,
P. W. HARDIN,
of Mercer County.

FOR AUDITOR,
FAYETTE HEWITT,
of Hardin County.

FOR TREASURER,
JAS. W. TATE,
of Woodford County.

FOR SUPT. PUBLIC INSTRUCTION,
JOS. DESHA PICKETT,
of Fayette County.

FOR REGISTER OF THE LAND OFFICE,
THOMAS H. CORBETT,
of McCracken County.

FOR STATE SENATOR, SIXTH DISTRICT,
ZENO F. YOUNG,
of Hopkins County.

Scribner's Magazine for June is out and is as usual well filled with interesting reading matter.

A moonshiner named Johnson, aged 23, was killed by a Sheriff's posse while resisting arrest in Marshall county Sunday.

At a spiritual seance near Louisville, a little girl of eight years old was frightened into convulsions and her reason dethroned.

The Union Labor Party will hold a State Convention at Lagrange on June 15th. The basis of representation will be two delegates from each county.

Rev. Geo. W. Bolling, a colored Baptist preacher, was fired at from a back window by an unknown assassin and hit in the arm, while preaching from his pulpit at Stanford, Sunday night.

Col. Jacob S. Golladay, of Logan county, died Monday. He was formerly a Democratic Congressman, but got into trouble over a cadetship and resigned during an investigation. After leaving Congress he became a Republican and disappeared from political prominence.

Sam'l Pasco, the new Florida Senator, was born in England and educated in Massachusetts. He went to Florida when a young man as a schoolmaster. He is a staunch Democrat, was a Confederate soldier and is at present Speaker of the Florida House of Representatives.

The counting of the money in the United States Treasury, incident to the succession to Mr. Jordan by Treasurer Hyatt, began Monday, and will not be completed for two months. Seventy-five persons will count \$137,000,000 in paper money in the reserve vaults, \$95,000,000 in the cash vaults, \$60,000,000 in standard silver dollars, \$20,000,000 in gold coin and a smaller sum of fractional silver. Treasurer Hyatt will not await the conclusion of the count, but will assume his official duties at once.

The Democratic State Central Committee has decided to open the campaign June 15th, with an old-fashioned barbeque near Lexington by speeches by Gen. Buckner, Senators Beck, Blackburn and others. The campaign should have been opened within ten days after the nominations were made. Six weeks is too short a time to make a thorough canvass of the State. There is no good reason for waiting three weeks longer before beginning the work of active canvassing. Let the nominees at once mount the raging stump and not wait to touch off the first fireworks at Lexington's blow-out.

Hon. Polk Laffoon has announced his intention of retiring from politics after his present term in Congress expires and there is beginning to be a good deal of talk about the next Congressional race. Col. Ellis, of Davless, and Col. Powell, of Henderson, are avowed candidates. In speaking of the latter gentleman, the Dixon Record says he will carry Webster almost solidly. He would of course carry Henderson and Union and would have more than an even chance in Hopkins and in this county. Unless the race should become mixed up and turn out to be a free for all, it begins to look like Powell is the coming Congressman.

The Best and Cheapest College.

The Commercial College of Kentucky University, received the Highest Honor and Gold Medal at the World's Exposition over all other Colleges for System of Book-keeping and Business Education. It is situated in the beautiful, healthy, and renowned city of Lexington, Ky., accessible by the leading railroads. Arrange now to enter this College, as students can enter at any time. Read advertisement of this College in another column, and write for particulars to its President, Wilbur R. Smith, Lexington, Ky.

Jno. Ely, a young man 19 years old living near the Yellow House, was tried Monday before Commissioner Landes charged with selling liquor without Revenue license, in this city Thursday, and turned loose for lack of evidence to hold him.

Appellate Court Decision.

A. H. Anderson, Appellant, against W. P. Winfree, Appellee. Appeal from the Christian county Circuit Court.

The Court, being sufficiently advised delivered the following opinion:

[Bennett].

The appellant, A. H. Anderson, and the appellee, W. P. Winfree, were the opposing candidates for the office of County Judge of Christian county at the August election 1886.

The election comparing board of the county found that the appellant, Anderson, received 3,055 votes at said election, for the office of County Judge, and that the appellee, Winfree received 3,055 votes for the same office, making a majority of 30 votes for the appellant, Anderson, which entitled him according to the face of the returns to a certificate of election, which he received.

The appellee, Winfree, contested the appellant's right to the office upon the ground that a large number of illegal votes were cast and counted for the appellant at said election, that some were not citizens of the State, some had not resided in the State a sufficient length of time to entitle them to vote; some were non-residents of the county; some were non-residents of the several voting precincts in which they voted. He also relied upon the fact that between sixty and seventy persons voted for the appellant in the two Hopkinsville voting precincts who were non-residents of said district.

The appellant, Anderson, denied these several grounds of challenge, and alleged that a large illegal vote was cast for the appellee at said election, on substantially the same grounds as those urged by the appellee.

The case was heard by the county contesting board which decided that 38 of the votes cast for appellant at the election were illegal. And also decided that 23 of the votes cast for appellee at said election were illegal. And those respective numbers being deducted from the whole number of votes cast for each candidate elected the appellant by a majority of 15.

The appellee appealed to the Circuit Court.

The case was elaborately prepared in the Circuit Court by both sides. And the learned judge of that court, after hearing all of the evidence in the case by a learned and exhaustive opinion covering all of the questions, both of law and fact, in the case, decided that the appellant received only 3,044 legal votes at said election, the remaining 11 cast for him being illegal; and that the appellee was elected to the office of county judge by a majority of 3.

From that judgment the appellant, Anderson, has appealed to this court. The appellant's counsel complains here first that the lower court erred in sustaining the challenge to the votes of Warner Diuguid, and Jack Smith, who voted for the appellant, upon the ground that they had been previously convicted and sent to the penitentiary of this State, upon a charge of grand larceny.

By section 4, article 8, of the State Constitution, it is provided: "Laws shall be made to exclude from office and from suffrage those who shall thereafter be convicted of bribery, perjury, forgery, or other crimes or misdemeanors."

Pursuant to this provision of the Constitution, Chap. 33, Art. 12, Section 15, of the General Statutes, declares: "Any person convicted of robbery, forgery, counterfeiting or perjury, or other like crime, shall forfeit his right of suffrage, and right to hold office." The contention of the appellant, is that the crime of grand larceny is not like any of the crimes named in the statute, not even that of robbery. We cannot agree to this proposition.

Here follows a lengthy discussion of the law point raised from which the following conclusion is drawn: "The several crimes enumerated in the statute are of this class known as infamous crimes; and it is to be presumed that the expression, 'or other like crime,' was intended to apply to and embrace such other crimes as are likewise inconsistent with the common principles of honesty and humanity, and convict the perpetrator of depravity and moral turpitude."

The poll books showed that the votes of Carter, Croft and Glover were recorded and counted for both appellant and appellee, and that Glover voted for the appellant. The lower court deducted the two former votes from the appellant's vote and counted them for the appellee, and deducted the latter vote from the appellee's vote and counted it for the appellant.

The elector, under the constitution and laws of this state exercises his right of suffrage by a free vote. He proclaims openly at the polls in the presence of the clerk and judges of the election for whom he votes; it is then the duty of the clerk in the presence of the judges to record his vote; he can only announce for whom he votes; it is then the duty of the clerk to record it for that person as an officer of the election. Now the clerk by inadvertence or design records the vote for another person than the one announced by the elector. So by the record he has voted for a candidate against whom he had in fact openly and unequivocally voted. Now whose mistake is this? The elector? No. Because he has committed none, for when he announced for whom he voted, not intended to vote, his act was full and complete. It was all that he could do. Then it was the clerk's mistake. The clerk, by this mistake has disfranchised the elector for the time being, indeed worse, for he has voted him without his knowledge and against his will for a candidate that he did not want and against whom he had in fact voted. That vote was not secretly deposited as by ballot, but was proclaimed in the presence of at least four persons, and usually in the presence of a large crowd. It would be a rare case indeed that witnesses could not be had other than the officers of the election, not only as to the fact of voting, but the candidate voted for.

The appellant also contends that the votes of J. N. Cox and William Cravens, who voted in Bellevue precinct for the appellee, ought not to be counted, because at the time these gentlemen voted which was early in the morning, but within voting hours as fixed by law, one of the judges of the election was absent and the other judge and the clerk had not been sworn.

It is an admitted fact that Cox and Cravens were legal voters in the Bellevue precinct. It is also clearly appears that the Judge and Clerk that received the vote of these gentlemen as well as the absent Judge, had been legally appointed clerk and

judge of the election for the Bellevue precinct. It also appears that these gentlemen were appointed at the fact that the clerk and judge present had not been sworn, but wishing to go to another precinct they voted with the understanding that when the absent judge arrived and all were sworn, that they would ratify the act. This the judges and clerk did.

In McCarty on elections, section 126, it is said "that more irregularity on the part of election officers or their omission to observe some merely directory provisions of the law will not vitiate the poll." As to what is a mere irregularity that will not vitiate the poll, the author says, "The language of the statute to be construed must be consulted and followed. If the statute expressly declares any particular act to be essential to the validity of the election, or that its omission shall render the election void, all courts whose duty it is to enforce such statute, must so hold, whether the act in question goes to the merits, or effects the result of the election, or not, such a statute is imperative, and all considerations touching its policy or impolicy, must be addressed to the Legislature."

But, if as in most cases the statute simply provides that certain acts or things shall be done, within a particular time, or in a particular manner, and does not declare that their performance is essential to the validity of the election, then they will be regarded as mandatory, if they do, and directory if they do not affect the actual merits of the election.

In this case Cox and Cravens were certainly legal voters in the Bellevue precinct. And they voted in that precinct for the candidate of their choice. Their votes were cast at the regular election place, and within lawful voting hours. And the officers of the election after having been sworn ratified and certified these votes. The merits of the election were not affected. We must hold therefore, that the lower court did right in counting these votes.

The opinion of the lower court clearly defines what it takes to constitute citizenship in this state, and also what is required in the precinct to entitle a person to vote therein. Also what is required in the precinct to entitle one's right to vote. We also think that the lower court, in overruling or sustaining the objections to the vote of each contested voter, save possibly in case of one set of voters, not prejudicial however to the appellant, was sustained by competent and positive evidence. And we cannot say that in any case his decision was clearly against the weight of evidence.

This view of the case renders it unnecessary to determine whether the appellant's majority according to the face of the returns was thirty-two instead of only thirty, as the result will be the same.

The judgment of the lower court is affirmed.

Beware of Ointment for Catarrh that Contains Mercury.

As Mercury will surely destroy the sense of smell and completely derange the whole system when entering it through the mucus surfaces. Such articles should never be used except on prescriptions from reputable physicians, as the damage they will do are ten fold to the good you can possibly derive from them. Hall's Catarrh Cure, manufactured by F. J. Cheney & Co., Toledo, Ohio, contains no mercury, and is taken internally and acts directly upon the blood and mucus surfaces of the system. In buying Hall's Catarrh Cure be sure that you get the genuine, it is taken internally and made in Toledo, Ohio, by F. J. Cheney & Co.

Sold by Druggists, price 75c. per bottle.

Some Plain Talk.

It is a notorious fact that the prohibition law of Christian county, which went into effect April 1st, is openly and flagrantly violated every day that comes. The South Kentuckian did not advocate the passage of the law, but the majority of the voters of the county cast their votes for its adoption and it is now a law of the land and we want to see it enforced by the proper authorities. If the present system of "walking bar-rooms" is to obtain, better by far it would be to have the law repealed and let the city derive a revenue from liquor licenses. There are scores of places in the city where orders can be placed for whisky, which will be promptly delivered in bottles. There are negroes in the city who have taken out government license and have gone into the business of peddling whisky as a regular vocation. There are a hundred reputable citizens in Hopkinsville who if put upon the witness stand could and would give names and dates about these matters. Revenue licenses must be displayed before they can be operated under and it would be an easy matter to find where they are tacked up and it would be still easier to put a witness on the stand and ascertain who have taken out license to violate the local laws. It is nonsense to say that the law cannot be enforced. Whisky is still being received at the depot here and somebody is receiving it. It is still being sold and somebody is selling it. It is still being drunk and somebody is drinking it. There are plenty of men who drink whisky who will not lie if asked under oath where they got it. All that is needed is for somebody to enforce the law and it is to call attention to the state of affairs and demand that the prohibition law be enforced or repealed that this article is written. Any police officer who is not in sympathy with the law and knowingly suffers it to be daily violated, should be removed for dereliction of duty. The penalty is a heavy one and it will take but a few convictions to put a stop to whisky selling. Few men care to pay a fine of \$500 and go to jail for three months for the privilege of selling a bottle of whisky. We call for the enforcement of the law.

ATTENTION Stock Breeders.

My Fine Standard-Bred Stallion

BAYWOOD

Will make the season at my stable in Hopkinsville, Ky., near Vance's Coal Yard. Season commences March 1st and ends 1st of May. Only a limited number of Mares will be served. Mares must have a Pedigree.

TERMS:—\$10.00 for season, payable during the season. After July 1st, interest will be added. If Mares are not returned in Fall or Spring season free.

Discription of Baywood.

Is 5 years old, 15½ hands high, deep bay with beautiful mane and tail, is perfect form.

PEDIGREE:

Baywood was sired by Blackwood, Jr., record 2:10, he by Belvidere, record 2:15, his dam was by Chieftain, he by Clark Chief. His second dam was by Edwin Ford. His third dam was by Membrino Chief. His fourth dam was by Kate Ford, a noted roadster, who has taken many premiums in Kentucky.

Henry Drexler.

GUS YOUNG,

DEALER IN—
HARDWARE, GUNS AND CUTLERY,
Pistols, Fishing Tackle,
Hunting Outfit, Iron Wagon Timbers,
Horsehoes, Bells and Ropes.
Sixth Street, opp. Planter's Bank,
Hopkinsville, - Ky.

Consumption Cured.

An old physician, retired from practice, having had placed in his hands by an East India missionary the formula of a simple vegetable remedy for the speedy and permanent cure of Consumption, Bronchitis, Catarrh, Asthma and all internal and lung affections, and a positive and radical cure for Nervous Debility and all Nervous Complaints, after having tested its wonderful curative powers in thousands of cases, has felt it his duty to make it known to his suffering fellow-men. Actuated by this motive and a desire to relieve human suffering, I will send free of charge, to all who desire it, this recipe, in German, French or English, with full directions for preparing and using. Sent by mail by addressing with stamp, naming this paper, W. A. No. 24, 149 Power's Block, Rochester, N. Y.

South Kentucky College,
HOPKINSVILLE, KY.

2nd Term 7th Year Begins
TUESDAY, JAN. 25, '87
12 PROFESSORS AND INSTRUCTORS.
8 COURSES OF STUDY.

1. Course in Arts. 2. Course in Letters. 3. Course in Science. 4. Course in Engineering. 5. Young Ladies' Course. 6. Normal Course. 7. Commercial Course. 8. Preparatory Course. Thorough instruction in Music, Painting and Drawing. Both sexes admitted, but meet only in the classroom, under the eye of the instructor. Prof. and Mrs. Jas. E. Scooby will have charge of the Boarding Department in College Building, with whom all non-resident young ladies will board. Young men, under no circumstances whatever, will be allowed to board in College, but will find excellent accommodations in private families. Tuition free, reasonable. Prices of board moderate. Military drill for young men. Catalogues for young ladies. For further information, catalogues, terms, etc., address S. H. CREMATER, LL. D., Or Jas. E. Scooby, M. A., President, July 2. Vice-President.



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Bids For Coal.

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STOVES! HARDWARE!
H. C. BALLARD

Has just received a large assortment of STOVES.

—And a Full Stock of—

Tinware and Hardware,

Which he is offering at remarkably low prices. He is also prepared to do all kinds of

Roofing and Guttering.

In the very best manner and at reasonable prices. Anyone wishing the latest in the store will do well to call on Mr. BALLARD at once.

Satisfaction Guaranteed

In every case and all Work WARRANTED.

Cor. 9th and Virginia Sts.

Hopkinsville, - Ky.

M. B. KING,

Church Hill, Ky.,

—BREEDER OF—

Berkshire Hogs, Cotswold and Southdown

Sheep. Orders Solicited.

1-28-177.

A LA BELLE JARDINIERE.

L. Fritsch,

FASHIONABLE; MERCHANT; TAILOR.

And Importer of Fine Cloths & Suitings.

No. 261 First St., Evansville, Ind.

Represented by F. C. McCarroll.

POULTRY BREEDER.

W. B. Cooky proprietor of Park Poultry Yard, Owensboro, Ky., will supply Eggs for Hatching and Raising of all kinds of Poultry. 2 yards Wyandottes; 1 yard Light Brahma; 1 yard Old English Game; 1 yard White Plymouth Rocks; 1 yard Black Plymouth Rocks; 1 yard Black and White Game. Terms:—\$10.00 for season, payable during the season. After July 1st, interest will be added. If Mares are not returned in Fall or Spring season free.

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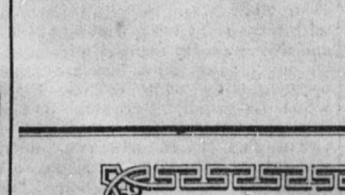
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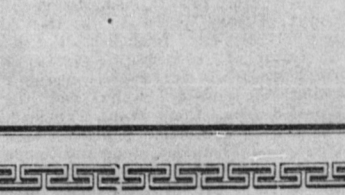
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